AN ORDER CALLING A BOND ELECTION TO BE HELD BY THE ALAMO COMMUNITY COLLEGE DISTRICT, PROVIDING FOR THE CONDUCT OF A JOINT ELECTION, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

* *

WHEREAS, the Board of Trustees (the *"Board"*) of the ALAMO COMMUNITY COLLEGE DISTRICT (the *"District"*), located in Bexar County, Texas (the *"County"*) hereby finds and determines that it is necessary to construct various capital improvements within the District and it is in the public interest to call and hold an election at the earliest possible date to authorize the issuance of general obligation bonds in the amount and for the purposes hereinafter identified (the *"Election"*); and

WHEREAS, the Election will be conducted by the County and held jointly with other political subdivisions for which the County is also conducting their elections (*"Participants"*), pursuant to agreements between and among the District, County, and Participants; and

WHEREAS, pursuant to Chapter 271 Texas Election Code and Chapter 791 of the Texas Government Code, the Board has the authority to enter into joint election agreements with other entities holding elections on the same date; and

WHEREAS, pursuant to Chapter 31 of the Texas Election Code and Chapter 791 of the Texas Government Code, the Board is authorized to enter into a contract for election services with the County, and the District will execute a Contract for Election Services with the Bexar County Elections Administrator (the *"Administrator"*) to conduct the Election; and

WHEREAS, the Board hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the District; now, therefore,

IT IS THEREFORE ORDERED BY THE BOARD OF TRUSTEES OF THE ALAMO COMMUNITY COLLEGE DISTRICT THAT:

SECTION 1: The Election shall be held in the ALAMO COMMUNITY COLLEGE DISTRICT on the 6th day of May, 2017 (*"Election Day"*), which is a uniform election date under the Texas Election Code, as amended, and is 78 or more days from the date of the adoption of this order (the *"Order"*), for the purpose of submitting the following proposition to the qualified voters of the District:

<u>PROPOSITION</u>

"Shall the Board of Trustees of the Alamo Community College District, made up of St. Philip's College, San Antonio College, Palo Alto College, Northwest Vista College, and Northeast Lakeview College, be authorized to issue and sell bonds of the District in the principal amount not to exceed $450,000,000 (Four Hundred and Fifty Million Dollars) for the purposes of designing, constructing, renovating, improving, acquiring, and equipping new and existing facilities in the District and the purchase of the necessary sites for these facilities, such bonds to mature

serially or otherwise (not more than 40 years from their date) in accordance with law; any issue or series of such bonds to bear interest per annum at such rate or rates (fixed, floating, variable, or otherwise) as may be determined within the discretion of the Board of Trustees, provided that such rate or rates of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of such bonds; and shall the Board of Trustees of the District be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in the District sufficient, within the limits prescribed by Section 130.122, as amended, Texas Education Code, to pay the principal of and interest on the bonds and the cost of any credit agreements executed in connection with the bonds?"

SECTION 2: Except as otherwise provided herein, the presently existing boundaries and territory of the respective Bexar County Election Precincts that are wholly or partially within the territorial boundaries of the District are hereby designated as the voting precincts of the District for the Election. The precinct numbers for the District's election precincts shall be the corresponding County Election Precinct Number of each precinct that is wholly or partially within the District. The Election Day polling places will be designated by the Administrator and are approved by the Board. Pursuant to the Contract for Election Services, the official list of Election Day polling places will be prepared by the Administrator and is approved by the Board for posting and publication as required by law when the Election Day polling places are finalized and released by the Administrator.

On Election Day, the polls shall be open as designated on Exhibit A. Pursuant to the Contract for Election Services, the official list of Election Day polling places will be prepared by the Administrator and is approved by the Board for posting and publication as required by law when the Election Day polling places are finalized and released by the Administrator. The official list of Election Day voting places when released by the Administrator shall replace Exhibit A to this Order and be incorporated herein by reference.

To the extent any polling place utilized by the District and designated by the Board for the conduct of the Election is located outside the boundaries of a District election precinct, the Board, pursuant to Section 271.003 of the Texas Election Code, specifically finds that such polling place can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the Election.

In the event that the County shall determine from time to time that the polling places hereby established and designated shall become unavailable or unsuitable for such use, or if the District determines that it would be in the District's best interests to relocate the polling places, the County is hereby authorized to designate, in writing, substitute polling places, giving such notice as is required by the Election Code and as deemed sufficient.

SECTION 3. The early voting polling places, dates and times for early voting in the County will be designated by the Administrator and are approved by the Board. Pursuant to the Contract for Election Services, the official list of early voting places will be prepared by the Administrator and is approved by the Board for posting and publication as required by law when the Election Day polling places finalized and released by the Administrator. The main early

voting location is designated in Exhibit B to this Order. The official list of early voting places when released by the Administrator shall replace Exhibit B to this Order and be incorporated herein by reference. Pursuant to the Contract for Election Services, the Administrator will be responsible for establishing the Early Voting Ballot Board and the appointment of its Presiding Judge. The Presiding Judge shall appoint not less than two resident qualified voters of the District to serve as members of the Early Voting Ballot Board.

SECTION 4. The Board approves the appointment of the Presiding Judge, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election who are and will be selected by the Administrator, together with any other necessary changes to election practices and procedures. District Administration may correct, modify, or change the Exhibits to this Order based upon the final voting locations and times agreed upon by the District, the Administrator, and the Participants, if any and as applicable, to the extent permitted by applicable law.

A. The Board hereby designates the Presiding Judges and Alternate Presiding Judges appointed by the Administrator for the respective election precincts. The Presiding Judge at each precinct shall have authority to retain and deputize clerks for the conduct of the Election in accordance with the directives established by the Administrator for this Election. Such Presiding Judges and Alternate Judges shall meet the eligibility requirements of Chapter 32, Subchapter C of the Texas Election Code. The rate of pay for judges and clerks of the Election shall be determined according to the Election Services Agreement with the County. Compensable hours shall be determined in accordance with the provisions of the Texas Election Code, as amended, and other applicable laws.

B. The Presiding Judge shall appoint not less than two resident qualified voters of the District to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on Election Day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of each election precinct.

C. In the event that the County shall determine from time to time that the Presiding Election Judge, Alternate Presiding Judges appointed or hereinafter designated shall become disqualified or unavailable, the Administrator is hereby authorized to designate and appoint in writing substitute Presiding Election Judges or Alternate Presiding Election Judges, giving such notice as is required by the Election Code and as deemed sufficient. Furthermore, the Administrator is hereby authorized to allow Presiding Election Judges or Alternate Presiding Election Judges, upon request, to designate and appoint such additional clerks as may be required from time to time to assist at polling places in order to efficiently carry out the duties of the office, giving such notice as is required by the Texas Election Code and as deemed sufficient.

SECTION 5: Pursuant to Section 61.012, as amended, Texas Election Code, the Administrator shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the

requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

Pursuant to the Contract for Election Services, the Administrator will furnish the electronic voting machines to be used in conducting the Election, including during early voting days. In the event the use of such electronic voting machines is not practicable or possible, the Election may be conducted by the use of paper ballots furnished by the Administrator.

SECTION 6: The official ballot shall be prepared in accordance with the provisions of the Texas Election Code, as amended, so as to permit voters to vote "FOR" or "AGAINST" the aforesaid proposition which shall appear on the ballot substantially as follows:

<u>PROPOSITION</u>

"THE ISSUANCE OF NOT TO EXCEED $450,000,000 (FOUR HUNDRED AND FIFTY MILLION DOLLARS) OF ALAMO COMMUNITY COLLEGE DISTRICT GENERAL OBLIGATION BONDS FOR THE PURPOSES OF DESIGNING, CONSTRUCTING, RENOVATING, IMPROVING, ACQUIRING, AND EQUIPPING NEW AND EXISTING FACILITIES AND THE PURCHASE OF NECESSARY SITES FOR THESE FACILITIES IN THE ALAMO COMMUNITY COLLEGE DISTRICT, MADE UP OF ST. PHILIP'S COLLEGE, SAN ANTONIO COLLEGE, PALO ALTO COLLEGE, NORTHWEST VISTA COLLEGE, AND NORTHEAST LAKEVIEW COLLEGE, AND THE LEVYING OF A TAX IN PAYMENT THEREOF."

SECTION 7: Pursuant to the Contract for Election Services, the Administrator will be in charge of all aspects of counting and tabulating the votes and ballots and designating and instructing officials and clerks for that purpose in accordance with the provisions of the Texas Election Code.

SECTION 8: All resident, qualified voters of the District shall be permitted to vote at the Election, and on Election Day, such voters shall vote at the designated polling place. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, except as modified by the provisions of the Texas Education Code, as amended, and as may be required by law. To the extent required by law, election materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION 9: A substantial copy of this Order shall serve as proper Notice of the Election. This Notice, including a Spanish translation thereof, shall be published at least one time in a newspaper of general circulation in the District, with such publication occurring not more than 30 days and not less than 10 days before Election Day. Additionally, the Notice, including a Spanish translation thereof, shall be posted on the bulletin board used for posting notices of Board meetings not later than 21 days prior to Election Day. The Board directs that this Order and Notice be translated into the Spanish language and posted and published as required by law by the District and Administrator.

The Order, in both the English and Spanish languages, shall be posted (i) in a prominent location at each polling place on Election Day and during early voting by personal appearance, (ii) at three (3) other public places within the District, and (iii) on the District's Internet website, prominently and together with the notice of the election and the contents of the proposition, no later than the twenty-first (21st) day before the Election.

SECTION 10: As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, the District, as of its fiscal year beginning September 1, 2016, had outstanding an aggregate principal amount of debt equal to $422,925,000.00; the aggregate amount of the interest owed on such District debt obligations, through respective maturity, totaled $208,068,237.22; and the District levied an ad valorem debt service tax rate for its outstanding debt obligations of $0.04139 per $100 of taxable assessed valuation. The District estimates an ad valorem debt service tax rate of $0.04139 per $100 of taxable assessed valuation if the bonds that are the subject of the Election are approved and are issued (taking into account the outstanding District bonds and bonds that are the subject of this Election, but not future bond authorizations of the District). The bonds that are the subject of this Election shall mature serially or otherwise over a specified number of years (but not more than 40 years from their date), as prescribed by applicable Texas law, though the District estimates that, based on current bond market conditions, such bonds will amortize over a 30-year period from their respective date of issue. The foregoing estimated tax rate and amortization period are only estimates, provided for Texas statutory compliance, and do not serve as a cap on any District ad valorem tax rate or the amortization period for bonds that are the subject of this Election.

SECTION 11: To the extent not otherwise provided for in the Election Services Agreement, or any Joint Election Agreement, the Board appoints Sandra Mora, the District's Election Administrator, as the Custodian of Records (the "Custodian"), and Agent to the Board Secretary (the "Agent") to perform the duties related to the conduct and maintenance of records of the Election as required under the Texas Election Code during the period beginning the third (3rd) day after the Board approves the Order calling a special election, and ending not earlier than the fortieth (40th) day after the day of the Election. In particular, the Custodian shall accept and maintain records regarding campaign expenditures that may be filed with the District.

The Custodian shall maintain an office open for election duties for at least three (3) hours each day, during regular office hours, on regular business days during the period required by law. Acting as Custodian and Agent she shall post notice of the location and hours of her office as required by the Texas Election Code, shall maintain in her office, the documents, records and other items relating to the Election, and shall be the person designated to receive documents on behalf of the District that are required by the Texas Election Code.

SECTION 12: The Board authorizes its Chair, Board of Trustees, the Chancellor or the respective designee of either of such parties, to negotiate and enter into one or more joint election agreements, election services contracts, and/or similar contracts or agreements with the County, acting by and through the Administrator, and any Participants if desired or if required to comply with applicable law, as permitted and in accordance with the provisions of the Texas Election Code, as amended. In addition, the Board authorizes its Chair, Board of Trustees, the Chancellor, or the respective designee of either of such parties to make such technical

modifications to this Order that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Board, as evidenced herein.

SECTION 13: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 14: All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

SECTION 15: This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 16: It is officially found, determined, and declared that the meeting at which this Order is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Order, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 17: If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Order would have been enacted without such invalid provision.

SECTION 18: This Order shall be in force and effect from and after its final passage, and it is so ordered.

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PASSED AND APPROVED, this the 17th day of January, 2017.

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ALAMO COMMUNITY COLLEGE
DISTRICT

_____

Dr. Yvonne Katz
Chair, Board of Trustees

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ATTEST:

_____

Dr. Gene Sprague
Secretary, Board of Trustees

(DISTRICT SEAL)

<u>**Exhibit A**</u>

ELECTION DAY PRECINCT AND POLLING INFORMATION

Presiding Judge(s): to be appointed by Elections Administrator Jacqueline F. Callanen
Election Day: May 6, 2017
Election Day Polling Locations open from 7 a.m. to 7 p.m.

Information below to be provided by the Bexar County Elections Administrator.

District Precincts	**County Precincts**	**Polling Places**

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<u>**Exhibit B**</u>

EARLY VOTING

Early voting begins Monday, April 24, 2017 and ends on Tuesday, May 2, 2017.

Early Voting Clerk and Physical Address
Jacquelyn F. Callanen
1103 South Frio, Suite 100
San Antonio, Texas 78207

Presiding Judge of the Early Voting Ballot Board: to be designated by Jacquelyn F. Callanen

Any voter entitled to vote an early ballot by personal appearance may do so at any Early Voting Site.

Main Early Voting Polling Place, Dates, and Times

Bexar County Elections Department
1103 South Frio, Suite 100
San Antonio, Texas 78207

Early Voting Places To Be Designated by Bexar County Elections Administrator

Dates	Times
Monday, April 24, 2017 through Thursday, April 27, 2017	8:00 a.m. – 6:00 p.m.
Friday, April 28, 2017	Closed
Saturday, April 29, 2017	10:00 a.m. – 6:00 p.m.
Sunday, April 30, 2017	Closed
Monday, May 1, 2017 through Tuesday, May 2, 2017	8:00 a.m. – 8:00 p.m.

Early Voting by Mail

Applications for voting by mail should be received no later than the close of business (5:00 p.m.) on Tuesday, April 25, 2017.

Applications should be sent to:

Jacquelyn F. Callanen
1103 South Frio, Suite 100
San Antonio, Texas 78207
email: votebymail@bexar.org

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